THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.11594 of 1996

Dated:01-02-2007

Between:-

Ch. Ramaswamy Reddy

..Petitioner

And

The Chairman-cum-Managing Director,
The New India Assurance Company Limited,
87, Mahatma Gandhi Road, Fort,
Bombay and three others.

..Respondents.

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No. 11594 of 1996

:O R D E R:

This writ petition is filed seeking a writ of Certiorari to call for the records pertaining to the order dated 26-07-1994 of the third respondent, as confirmed by the orders of the first and second respondents by order dated 09-11-1995 and
23-01-1995 respectively, and quash the same as arbitrary and illegal.

It appears, the petitioner was a Development Officer of New India Assurance Company Limited, Guntur Branch. While so, he was issued with a charge memo dated 17-01-1992 alleging *inter alia* that while functioning as Development Officer at Guntur Branch, the petitioner had committed certain irregularities/misconduct in terms of the General Insurance (Conduct, Discipline and Appeal) Rules, 1975 (for short 'the Rules') and an inquiry was proposed. After conducting a detailed inquiry into the matter, the inquiry officer submitted his report. On the basis of the Inquiry Officer's Report and on his own appreciation of the facts and circumstances, the competent authority/the Regional Manager passed orders dated 26-07-1994 imposing punishment of reduction in the basic pay by two stages permanently i.e., from Rs.3040-00 to 2800-00 and fixing his basic pay at Rs.2,800-00 per month as per Rule 23 (d) of the Rules. Aggrieved by the same, the petitioner filed an appeal before the first appellate

authority. The appellate authority, after detailed consideration of the matter, dismissed the appeal. Aggrieved thereby, the petitioner further carried the matter to 'Memorial' before the Chairman-cum-Managing Director of the respondent-Company. The Chairman-cum-Managing Director also after a detailed consideration of the matter, rejected the same confirming the orders passed by the competent authority and appellate authority. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner Mr. P. Rajashekar strenuously contended that the inquiry officer did not take into consideration the report submitted by the Wing Commander P.M. Mohan Rao, who recommended for clearance of the claims raised by the respective parties and the authorities could not have found fault with the charged officer/petitioner. When the petitioner went to Collective Cashier, he was not available. Therefore, the amount was asked to be deposited on the next day. Therefore, no misconduct can be attributed against the petitioner stating that the petitioner has created documents with ante-date covering notes.

These are the pure questions of fact which cannot be gone into in this writ petition. These matters have been considered at length by the competent authority, appellate authority and also the memorial authority. It is also not the case of the petitioner that no detailed inquiry has been conducted by the respondents before imposing the punishment of reduction in the time scale

of pay by two stages. Once this is so, no interference can be made by this court on any other grounds. No question of law has been raised to invoke the Certiorari jurisdiction of this court. The writ petition is devoid of merits and is liable to be dismissed. Accordingly, the writ petition is dismissed. No costs.

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C.V.
RAMULU, J

Dated: 01-02-2007.
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